

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	C.R. NO. C-09-620M
	§	
ALBERT PRESTON MOFFATT	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(B); and

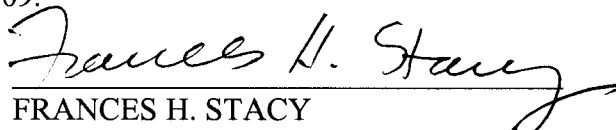
(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant does not have resources to address the risk of flight. Moreover, Mr. Moffatt's criminal history demonstrates a high risk of flight. For instance, he was convicted in 1988 for escape from the LaTuna Federal Correction Institution, and violated federal bail conditions in 1997 by failing to appear in court in Laredo, TX. He has two prior felony drug convictions. At the

time of the events that are the subject of the instant charges, Mr. Moffatt was reporting to a federal probation officer on conditions of supervised release, which prohibited possession of illegal drugs. The offense activity and his criminal history demonstrate Mr. Moffatt's inability or unwillingness to comply with standard release conditions.

For these reasons, the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 15th day of July, 2009.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE